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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,204	08/26/2003	Norio Shimura	01272.020614.	1936
5514	7590	11/21/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			NGUYEN, THINH H	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/647,204

Applicant(s)

SHIMURA ET AL.

Examiner

Thinh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6 and 8-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6, 8-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hayakawa et al. (U.S.6,709,088)

Hayakawa, re claims 1, 6, 8, and 9, discloses elements of the instant claimed ink jet apparatus and data processing system, including related method comprising:

A waste ink volume obtaining means (41) to obtain a value equivalent to a waste ink volume associated with the marginless printing; wherein the waste ink volume obtaining means counts the number of waste ink dots ejected onto the left or right edge of the printing medium (col.15, lines 14-16); wherein the waste ink volume corresponding to the size of the printing medium (col.15, lines 20-27);

A data sending means (30) to send the value equivalent data;

Re claims 2, 3, wherein the waste ink volume obtained corresponding to the page (characterized by the size of the print medium, col.15, lines 19-23), predetermined

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print area (can be characterized by number of lines based on value corresponding to a single line (col.13, lines 60-67);

Re claim 9, Hayakawa further discloses:

An ink receiving member (14) for receiving waste ink ejected onto the overrunning area outside the edges of the print medium ;

An accumulating value memory means (40) for accumulating adding up value equivalent data (col.9, lines 26-31);

Re claims 10, 11, a decision means (30) for checking accumulated data stored in the memory means;

A sending means for sending (as described in col.9, lines 41-45; col.14) exceed data from decision means to a warning display (42) thereby to disable the ink jet printing operation (see also col.10, line 66 – col.11, line 10).

Patent Application Information Retrieval (PAIR)

3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Response to Amendment

Applicant's Amendment filed September 14, 2005 has been entered and carefully considered. However, arguments with respect to claims 1-3, 6, 8-11 are not deemed to be persuasive.

Applicant contends (page 12, 4th paragraph; page 13, 1st, 2nd paragraphs) that Hayakawa et al. fails to disclose or suggest at least obtaining a value equivalent to a waste ink volume associated with marginless printing by counting a number of ink ejections to an overrunning area or by counting a number of ink droplets to be ejected onto the overrunning area.

The Examiner disagreed with this contention. Hayakawa clearly discloses a waste ink volume obtain means (41) for obtaining value equivalent to a waste ink volume. It is to be understood that the only way for the total volume to be obtained is to accumulate the individual drop volume through the counter (41, i.e., adder). In Hayakawa, the precise waste ink dots ejected onto the overrunning area outside the edges of the print medium associated with the marginless printing being obtained (col.15, lines 4-10) before being compared to the set threshold (constant) so as to commend the flushing action. It is also understood that the constant can be any predetermined threshold in order to meeting the user's flushing cycle setting.

In view of the foregoing reasons, the examiner asserts that all limitations have been properly evaluated and that the rejection as applied remains proper.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Contact Information

Any inquiry concerning this communication should be directed to examiner Tinh Nguyen at telephone number (571) 272-2257. The examiner can generally be reached Mon-Wed, Thursday from 9:00A – 5:00P. The new official fax phone number for the organization is (571) 273-8300. The examiner supervisor, Dave Talbott, can also be reached at (571) 272-1934.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1782.



Tinh Nguyen

November 17, 2005

**Tinh Nguyen
Primary Examiner
Technology Center 2800**